

United States v. Edward Nathan Gale
Criminal No. 23-30003-MGM
Statement of Facts

1. Introduction

As set forth below, between February 22, 2022 and December 2, 2022, Edward Nathan Gale (“Gale” or “the defendant”) manufactured and distributed approximately 50 privately manufactured firearms (“ghost guns”) to individuals located in Kansas and Massachusetts.

Between approximately October 11, 2022 and December 8, 2022, Gale also imported from China approximately 100 Glock-style machinegun conversion devices (“Glock switches”), approximately 60 of which he distributed in Massachusetts and elsewhere, along with other firearms and a silencer.

On January 5, 2023, law enforcement officers executed a federal search warrant at Gale’s residence and recovered a semi-automatic rifle manufactured outside Massachusetts; numerous rounds of ammunition manufactured outside Massachusetts; assorted tools, parts, and accessories used to manufacture ghost guns; and evidence of Gale’s importation and distribution of Glock switches.

Because Gale had not registered any of the Glock switches pursuant to the National Firearms Act, his possession of them was illegal. Because Gale had previously been convicted of a crime punishable by more than one year in prison, his possession of the rifle and the ammunition (as well as the Glock switches) was illegal. Because Gale was not licensed to manufacture or distribute firearms, his manufacturing and distribution of the ghost guns and the Glock switches was illegal.

2. Gale’s Criminal History

According to criminal history records, on September 10, 2019, Gale was convicted in Worcester District Court for Resisting Arrest and Assault and Battery on a Police Officer, both which are punishable by more than one year in prison, in Docket No. 1862CR001892.¹

3. Ghost Guns

A ghost gun, also known as a privately manufactured firearm (“PMF”), is a firearm, including a frame or receiver that is completed, assembled, or otherwise produced by a person other than a licensed firearms manufacturer, and without a serial number placed by a licensed manufacturer at the time the firearm was produced.

Often, individuals purchase frames that are 80% complete (“80% frames”), use a custom jig to drill several holes into the frame and file down certain parts to complete the frame, and then

¹ The District Court had previously entered a continuation without a finding (“CWOF”) for these offenses, but on September 10, 2019, the Court found Gale in violation of his parole, revoked his CWOF, and entered a finding of guilty for both counts.

assemble the frame with slides, barrels, triggers, and other parts to manufacture a fully functioning firearm with no serial number - *i.e.*, a PMF or ghost gun. Polymer80 is a company that manufactures these 80% frames.

4. Glock Switches

Glock switches are items designed and created for the sole purpose of converting semiautomatic Glock pistols into fully automatic machineguns. These devices vary by design and appearance but all, when properly installed on a semi-automatic Glock pistol, will allow the firearm to expel more than one projectile by a single pull of the trigger at approximately 1,200 rounds per minute.

Installation of these conversion devices is fast and simple, requires no technical expertise, and is completed by removing the slide cover plate on a Glock semi-automatic pistol (or equivalent PMF) and replacing it with a conversion device. These devices are referred to by different names, including but not limited to switches.

Glock switches are machineguns under Federal law and are generally illegal to possess.

5. Gale's Manufacturing And Distribution Of Ghost Guns

From approximately February 22, 2022 through August 30, 2022, Gale conducted approximately thirty-five purchases through Varo Bank, N.A. ("Varo"), totaling approximately \$16,712, for firearms parts and accessories at various vendors, including: Durkin Tactical; Gunmagwarehouse.com; Arm or Ally; Knapp Weaponry; Northshore Ammunition; Outdoor Limited; P4 Firearms; and Rockslide USA (the "Firearms Vendors").

According to the Firearms Vendors, Gale's transactions constituted numerous purchases of firearms parts and accessories, including 80% frames and 80% frame kits, triggers, slides, upper parts, lower parts kits, pin kits, magazines, which can be used to assemble PMFs or ghost guns, as well as ammunition. [Gale later admitted that he purchased enough parts and accessories to assemble approximately 50 PMFs, which he distributed in Kansas and Massachusetts.]

During that same approximate period that Gale conducted these purchases, Gale's Varo account received approximately 142 deposits totaling approximately \$40,000, including from (a) Green Dot deposits; (b) Facebook Pay deposits; (c) CashApp deposits; and (d) PayPal deposits. [Gale later admitted that many of these transactions constituted revenue from his sales of PMFs.]

During the same approximate period that Gale conducted these purchases, Gale repeatedly traveled from Wichita to the Springfield area by railroad or bus and returned by plane. Railroad and bus companies generally have less rigorous security protocols than airplane companies. [Gale later admitted that he traveled by railroad or bus rather than by airplane because he was transporting ghost guns either in his luggage or on his person and wanted to avoid detection of the firearms during his trip].

Between May 12, 2022 and December 2, 2022, Gale used an e-Bay account to purchase

numerous firearms-related items, including many consistent with the manufacture of Glock-style ghost guns. These items were shipped directly to Gale's residence in Springfield, Massachusetts ("the Gale Residence"). [Gale later admitted assembling these items into ghost guns for sale.]

6. Gale's Importation of Glock-Switch Machinegun Conversion Devices

On December 8, 2022, at the Port of Anchorage, Alaska, agents with the United States Department of Homeland Security ("DHS"), Customs and Border Patrol ("CBP") conducted a border search of a Federal Express package sent from the Peoples Republic of China and addressed to Gale at the Gale Residence from "David Wu" at "Kaipus Trade Co. Ltd" ("Kaipus") (the "Package").

The Package contained a Commercial Invoice that identified the consignee and importer as Gale and twenty Glock-switch machinegun conversion devices concealed inside two plastic Ziploc-style bags that contained plastic and metal valve pieces. [Gale later admitted that these were the most recent batch of Glock switches that he had ordered from China for sale in Massachusetts and elsewhere.]

According to CBP records, on or about the following dates, the following packages, which were also addressed to Gale at the Gale Residence from David Wu at Kaipus, arrived from China and passed through a United States port without interdiction:

<u>Date</u>	<u>Bill of Lading Description</u>
10-12-22	Valve core
10-26-22	Valve
11-05-22	Valve
11-16-22	Valve
11-21-22	Valve

According FedEx Express records, on the following dates, FedEx Express shipped packages with Commercial Invoices to Gale at the Gale Residence from David Wu at Kaipus. Each of the Commercial Invoices identified the consignee and importer as Gale.

<u>Date</u>	<u>Commercial Invoice</u>
10-11-22	Valve core (250 units) for \$12.50 USD total
11-04-22	Valve (500 units) for \$10.00 USD total
11-15-22	Valve (500 units) for \$10.00 USD total
11-18-22	Valve (500 units) for \$10.00 USD total
11-29-22	Valve (500 units) for \$10.00 USD total

[Gale later admitted receiving numerous shipments of Glock switches from a Chinese importer based upon orders that he placed on the Alibaba.com website.]

According to a query with the National Firearm Registration and Transfer Record ("NFRTR") on December 9, 2022, Gale has never registered any firearms, including machineguns, pursuant to the National Firearms Act ("NFA"), and thus his importation and possession of the

Glock switches was illegal.

7. The Execution Of Search Warrants At The Gale Residence On January 5, 2023

On December 27, 2022, United States Magistrate Judge Katherine A. Robertson authorized search warrants for the Gale Residence, among other premises.

On January 5, 2023, Special Agents (“SAs”) of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”), along with other law enforcement officers, executed the search warrant at the Gale Residence. The officers encountered Gale in the basement, where he had established a bedroom.

In the basement, ATF SAs and task force officers located the following items:

- a. a Pioneer Arms Corp. Model Sporter 7.62 Rifle bearing serial number PAC1126598 (the “Rifle”) with a drum magazine that contained ten rounds of Belom 7.62 ammunition.
- b. assorted tools and parts consistent with the manufacturing of PMFs, including:
 - i. three Polymer80 jigs consistent with the manufacturing of PMFs;
 - ii. an unmilled Polymer80 Rhino AR-15 receiver block;
 - iii. a metal AR block;
 - iv. a Polymer80 Micro conversion kit (used to convert a pistol into a rifle-style firearm);
- c. Assorted ammunition, including:
 - i. 12 rounds of 7.62 ammunition;
 - i. a green ammunition magazine containing 30 rounds of 9mm ammunition;
 - ii. a black and gold ammunition magazine containing 11 rounds of 9mm ammunition;
 - iii. assorted other 9mm rounds
- d. a Magpul box containing the plastic and metal valves consistent with the packing material contained inside the Package; and
- e. four iPhones, including a blue iPhone that Gale later admitted was his (the “Gale iPhone”).

According to records of Pioneer Arms and other businesses that distributed the Rifle, the Rifle was manufactured and distributed outside Massachusetts. According to ATF SA and nexus expert John McKee, the Belom 7.62 ammunition was not manufactured in the Commonwealth of Massachusetts. Therefore, the Rifle and the ammunition traveled in interstate commerce to reach Gale at his residence.

8. Gale’s Statements

Shortly after the entry, ATF SA Brian Meehan escorted Gale outside the residence. While being recorded by a Springfield Police Department (“SPD”) officer with a body worn camera, SA Meehan issued Gale *Miranda* warnings, which Gale acknowledged he understood and waived.

Gale admitted, in sum and substance, that he was involved in the manufacture and distribution of ghost guns and the importation and distribution of Glock switches.

Gale agreed to speak further, and officers then transported him to the SPD headquarters for a formal interview. At the SPD headquarters, SAs Meehan and McKee conducted a video-recorded interview of Gale, who again acknowledged his *Miranda* warnings and waived them both orally and in writing.

Gale stated, in sum and substance:

- a. Gale purchased, manufactured, and sold ghost guns.
 - i. Gale learned how to manufacture them by watching videos on YouTube. He could build a P80 (*i.e.*, a Polymer80 ghost gun) for approximately \$250-\$400.
 - ii. For some ghost guns, Gale ordered the parts to be shipped to his home in Wichita, where he manufactured them. He sold some of these ghost guns to local people and transported others by bus or train to the Springfield, Massachusetts area, where he sold them to other people in Western Massachusetts.
 - iii. For other ghost guns, Gale manufactured them at his home in Springfield and distributed them to other people in Western Massachusetts.
 - iv. Gale estimated that he had manufactured approximately 50 ghost guns and distributed approximately 20 in the Springfield area and approximately five in the Worcester area.
- b. Gale purchased, imported, and distributed Glock switches.
 - i. On numerous occasions, Gale ordered Glock switch machinegun conversion devices for shipment to the Gale Residence. Gale used the Alibaba website to purchase the items.
 - ii. Gale estimated that he ordered approximately 100 devices and received approximately 60 of them. Twenty Glock switches were still in transit with FedEx (*i.e.*, the seized Package) and another twenty were in transit with UPS. [Unbeknownst to Gale, on December 16, 2022, CBP agents had seized this UPS package as it entered the Port of Chicago from China and found twenty Glock switches inside].
 - iii. Gale sold approximately 40 Glock switches to approximately four people in the Springfield area. He worked with another individual (Co-Conspirator 1) to sell the switches in Massachusetts. He used Snapchat and Facebook to communicate with Co-Conspirator 1 and his customers.
 - iv. Gale purchased the Glock switches for \$20 per item and sold them for anywhere between \$250 and \$400 per item.
 - v. The earlier Glock switch shipments arrived in the same condition as the items found in the Package (photographs of which SA Meehan presented to Gale).
 - vi. With the Glock switch, Gale could shoot a twenty-round magazine in approximately 1.3 seconds.
 - vii. Gale kept the packing material for the Glock switches because he used it to conceal the Glock switches when he mailed some of them to

locations in Puerto Rico and Florida.

9. The Forensic Examination Of The Gale Cell Phone

During his interview at the SPD, Gale provided SA Meehan with the four-digit code to access the Gale iPhone. SA Meehan viewed and photographed the following items:

- a. A photograph of a blue and gold PMF with a Glock switch machine gun conversion device attached to the rear of the slide.
- b. A photograph of seventeen Glock switch conversion devices set on the floor of Gale's basement bedroom at the Gale Residence.
- c. A screen shot of two UPS Tracking Numbers: x-4214 and x-7543

Gale said that Tracking Number x-4214 was a shipment of two silencers that he had received at the Gale Residence, and that he sold one of the silencers to a person named "Brad" (later identified as a convicted felon by the ATF). [SA Meehan later confirmed that this package was delivered to the Springfield, MA area on December 19, 2022.]

Gale said that Tracking Number x-7543 was a shipment of Glock switch machinegun conversion devices that he had not yet received. [As set forth above, on December 16, 2022, CBP agents had seized this UPS package as it entered the Port of Chicago from China and found twenty Glock switches inside.]

On January 6, 2023, SA McKee conducted a forensic extraction of the Gale iPhone. According to the ongoing preliminary review of these files by ATF Intelligence Research Specialist Ricky Mustion, the Gale iPhone contained numerous messages, image files, and video files that depict or discuss firearms and Glock switches and indicate that Gale had possessed and distributed these items to various customers. The following are just a few representative examples of this evidence:

On October 9, 2022, Gale engaged in the following instant message exchange with another customer (later identified by the ATF and referenced here as "AA"):

Gale: [Sent several photograph of firearms, including an AR-style pistol (*i.e.*, an "ARP")].

AA: What's the numbers.

Gale: 750 for pistol an 1450 for ARP 556.

AA: My man's said he got a 5th 1911 [*i.e.*, another model of pistol] and 450 for the arp

Gale: I just want cash for it tbh bro I can do 1400 if anything.

AA: Ok. Yooo my man's said is those ghost guns.

Gale: Yes.

On October 15, 2022, Gale engaged in the following instant message exchange with AA:

Gale: [Sent a photograph of ten Glock switches on the floor of his basement bedroom].

AA: What's those

Gale: Switches

AA: What kind. Do they go to any toy?
Gale: For glocks metal ones.
AA: Ok ok . . . what exactly do they do.. I kno nothing about these . . . lol.
Gale: Make it shoot fully automatic. Look it up on Youtube bro.
AA: Whats the numbers.
Gale: \$250 a pop. If you hit more I'll drop price. Get*.

On October 26, 2022, Gale engaged in the following instant message exchange with another customer (later identified by the ATF and referenced here as "AC").

AC: Yo wassup wit that clip
Gale: Can you slide throu to [the street of the Gale Residence] ?
AC: I got rid of that clip for a Glock one. Shit wasn't feeding right shit jammed up. Tryna just throw me some bread back since I paid for it with the ext clip.
Gale: Yes I figured they was cheap mags I got anyway how'd that switch work ? And give me till the weekend I'm broke rn. Ima have 2 more pistols tomorrow and more switches coming in this weekend.
AC: Bet just lmk then. And yea the switch was good.

On November 5, 2022, "Brad" sent Gale a Snapchat message listing his address in Springfield, MA. On November 10, 2022, Gale sent "Brad" a Snapchat video showing how to install a Glock switch on a firearm.

On November 23-25, 2022, Gale engaged in the following instant message with a user (whom ATF agents identified as JH):

Gale: Got more switches in 15 left.
JH: You got venmo bro?
Gale: Yea. Wtw.
JH: I got 20 for bullets. You still out here in Springfield rn?
Gale: Lmk ("let me know") I only got 22 shells left. I'll take 20 for em.
JH: Fasure I got it rn.

JH: Bet, the shipment coming in has Pf940SC (*i.e.*, a Polymer80 subcompact pistol frame) lowers too.
Gale: HM ("how much") you asking tho?
JH: Just throw in a few more switches and a little ammo and you can have them for free'
Gale: How many you gonna have available. Cause I can toss you switches for em no problem
JH: We can give you lowers for switches if you want.

On December 15-16, 2022, Gale engaged in the following instant message with a user (whom ATF agents identified as CB):

Gale: How many you gonna want brody.
CB: 10.
Gale: Yo if you can get me a real glock 19 or 23 I'll give you the 10 switches instead of paying with bread but either or is good just lmk. Should have em in 5

days and silencers coming Tuesday.
CB: Bet.

10. The Seizure Of Two Silencers Imported By Gale From China

On January 18, 2023, CBP seized two black firearms silencers from a package at John F. Kennedy International Airport in Queens, NY. The package was addressed to the consignee Gale at the Gale Residence.
